

**STATUS OF BENEFITS FACT SHEET
UPON
ENTERING ACTIVE MILITARY DUTY
WHEN EMPLOYEE ELECTS SEPARATION IN LIEU OF LWOP
(MORE THAN 30 BUT LESS THAN 181 DAYS)
(5CFR 353)**

PAY: Once the employee is performing active military duty, compensation will be based on the terms of his or her military pay grade. Compensation for the civilian position will not be received unless the employee elects to use military or annual leave.

ANNUAL LEAVE: You will receive a lump-sum payment for any annual leave balance. If you return to duty before the period covered by the lump-sum, you will be required to make repayment for all days covered by the lump-sum payment.

LIFE INSURANCE: Your basic insurance stops at the end of the day on which you are separated from civilian service for any reason. You will receive a 31-day extension of coverage and have the right to convert to a nongroup policy.

HEALTH INSURANCE: If you are eligible for reemployment rights under 5 CFR Part 353 or similar authority, you may continue your health insurance coverage for up to 18 months, or you may elect to terminate your enrollment. Your coverage will continue for up to 12 months whether or not your eligibility for reemployment rights continues. If you continue coverage, you are responsible for the employee share of the premiums for the first 12 months. You can either pay the premiums on a current basis, or you can incur a debt to the government and repay it when you return to active Federal civilian service. To receive coverage for the additional 6 months, you must continue to be eligible for reemployment rights. During the last 6 months of the 18-month period, you must pay the employee and government share, plus an additional 2 percent of the total premium, on a current basis.

If you elect to terminate your coverage, it must be terminated effective on the day you are separated, furloughed, or placed on leave of absence for entering military service. You and your family members are entitled to a 31-day extension of coverage and to convert to an individual contract.

THRIFT SAVINGS PLAN (TSP): No contributions can be made, either by the agency or the employee, for any time in a LWOP status or for a period of separation. You may make up TSP contributions missed as a result of your military service. If you were not vested when you separated from civilian service, and Agency Automatic (1%) Contributions and associated earnings were removed from your TSP account, you may have these funds restored to your account. If you separated from civilian service and your TSP account was paid out, you may return the funds, and, if applicable, reestablish a TSP loan. You may qualify for make up contributions, etc., when you are released from military service and subsequently restored to a position covered by FERS or CSRS. To

make up missed TSP contributions, you must submit a written request to your servicing personnel office within one year of the date of your restoration to civilian service.

RETIREMENT: Military service is potentially creditable service. In order to receive credit for military service, a deposit may be required. If the military deposit is paid before the interest accrual date (within 3 years of returning to a covered position) no interest is charged on the military deposit.

RETURN TO DUTY: To be eligible for reemployment you must:

- (a) Have been released/separated from the military under honorable conditions and provide evidence in the form of a DD Form 214.
- (b) Notify this office in writing within 14 days of your release from the military that you intend to return to your former civilian position and the date you will be available to start to work.

You are entitled to be placed in your former position or an equivalent position in the commuting area. Provided you are still physically qualified to perform the duties of the position you left (or an equivalent one), you will be restored to such a position. Upon restoration, the time spent in an active duty status until reemployed is creditable for purposes of rights and benefits based upon length of service. This includes within-grade increases, career tenure, completion of probation, time-in-grade restrictions, and leave rate accrual.

APPEAL RIGHTS: An individual who believes this agency has not complied with the provisions of law relating to employment or reemployment may:

- (a) File a complaint with the Department of Labor; or
- (b) Appeal directly to the MSPB if the individual chooses not to file a complaint with the Department of Labor, or is informed by either Labor or the Office of Special Counsel that they will not pursue to the case.

LENGTH OF SERVICE: To be entitled to restoration rights under 5 CFR 353, cumulative service in the uniformed services while employed by the Federal Government may not exceed 5 years.

If you have any questions or need additional information, please contact your Office of Civilian Personnel Command Staff Advisor.